

REMARKS

Claims 1-18 were examined by the Office, and in the Office Action of January 5, 2009 all claims are rejected. With this response claims 10, 13 17 are amended, claims 9 and 11-12 are cancelled, and new claims 19-24 are added. All amendments and new claims are fully supported by the specification as originally filed. Support for the amendments and new claims can be found at least from paragraphs [0011], [0012], [0031], [0047], [0049], [0050], [0054], [0055], [0065] and [0080] of Published Application No. 2006/0073821, which corresponds to the present application. Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the amendments and following remarks.

Claim Rejections Under § 101

In section 3, on page 2 of the Office Action, claim 12 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The rejection of claim 12 is moot in view of the cancellation of claim 12.

Claim Rejections Under § 102

In section 5, on page 3 of the Office Action, claims 1-18 are rejected under 35 U.S.C. § 102(e) as anticipated by Robarts et al. (U.S. Appl. Publ. No. 2004/0002843). Applicant respectfully submits that claim 1 is not disclosed or suggested by Robarts, because Robarts fails to disclose or suggest all of the limitations recited in claim 1. Claim 1 is amended to clarify that the simulated message is presented via a standard communication functionality of the terminal device, and the standard communication functionality is configured to present messages received from a second device, therefore the simulated message has the appearance of a typical message received from the second device and presented via the standard communication functionality. Robarts at least fails to disclose or suggest that the device is able to receive messages from other devices, and that simulated messages triggered by an initiation event are present in the same way using the same functionality as the received messages, as recited in claim 1.

In response to the arguments presented in the reply to the previous Office Action, the Office explains under point 2 of the Office Action with regard to paragraph [0070] of Robarts, that Robarts would teach and disclose that the mobile device has a network communication means for communicating with other devices via a communication network. In the first part of paragraph [0070] the ability of the mobile device 1201 to make use of the communications network 1230 to communicate with other mobile device or environments is generally described. However, a specific “second device” as referred to in the claim language of for instance pending claim 1 is neither described nor suggested in this first partition of the paragraph. The second part of paragraph [0070] describes further embodiments of the mobile device 1201 according to Robarts. In a first embodiment, the simulation engine 1220 may be implemented in the mobile device 1201 itself, i.e. the mobile device 1201 is a fat client. In a second embodiment, the simulation engine 1220 or at least one or more components of the simulation engine 1220 may be remotely located and the mobile device 1201 accesses the remotely located components via the communications network 1230, i.e. the mobile device 1201 is a thin client. The teaching described in the second part of the paragraph [0070] of Robarts is not specifically relevant for the further discussion.

The claim language of pending claim 1 directed to a method performed at a mobile terminal defines following features with regard to the “second device”:

said terminal device being capable of receiving messages from a second device
said standard communication functionality is further configured for presenting messages received from said second device; and
wherein said simulated message has the appearance of a typical message received from said second device and presented via said standard communication functionality

This means that the mobile terminal as defined in the subject matter of pending claim 1 has not only the capability to receive messages from any with another device (for instance via a wireless

communication network) but the mobile terminal is capable to receive messages from a second device, which is a specific second device because the simulated message, which is generated at the mobile terminal, is presented to the user via the standard communication functionality of the mobile terminal in the way that it has the appearance of a typical message received from said second device.

In other words, the simulated message presented to the user appears to the user as if it has been received from the real-word, existing second device (with which the user of the mobile terminal can actually communicate with) because the simulated message has the appearance of a typical message received from said second device. The user cannot distinguish the simulated message from any message actually received from the second device. This is an aspect of the simulation environment of the present invention, which is neither described nor suggested by Robarts. On the contrary, Robarts teaches that the simulated phenomenon generated on the basis of the so-called Simulated Phenomena Interaction System (SPIS) is experienced by the user thereof as a virtual, simulated and narrative phenomenon (cf. for instance paragraphs [0037], [0038], [0044] and [0045] inter alia referring to Figs. 4 and 5: “Lucky Ghost” and “vacuuming operation on a previously located ghost”).

Independent claims 13 and 16-17 are amended to contain limitations similar to those recited in claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 13 and 16-17 are not disclosed or suggested by Robarts.

The claims depending from independent claims 1, 13 and 16-17 are also not disclosed or suggested by Robarts at least in view of their dependencies.

New Claims 19-24

New claims 19-24 ultimately depend from an independent claim, and are believed to be novel and non-obvious over Robarts at least in view of their dependencies.

Conclusion

The rejections of the Office Action having been shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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